



Title IX Policy

A. Purpose

This Policy is established by Excel Academy Charter School, a charter public school in Massachusetts, and Excel Academy Rhode Island, a charter public school in Rhode Island, (jointly, “Excel Academy”) in adherence with Title IX of the Education Amendments of 1972 (“Title IX”) and related regulations and all applicable Massachusetts and Rhode Island statutes and regulations, all as amended from time to time. Title IX prohibits Excel Academy from discriminating on the basis of sex (including Sexual Harassment and Sexual Violence) in all facets of its educational programs and activities.

This Policy applies equally to all of Excel Academy’s students, employees, Authorized Volunteers, parents, and other members of the Excel Academy community. This Policy applies to conduct At School, at school events, and Away From School in all other instances in the United States when Excel Academy has substantial control over the parties and the context in which the alleged misconduct occurred. Excel Academy recognizes that there may be some occasions when Excel Academy will address sex-based misconduct that occurs outside of the school’s control, and in particularly where that conduct adversely affects the victim’s access to the school’s education program.

B. Notice of Non-Discrimination

Excel Academy does not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, ethnicity, age, disability, veteran, genetic information, parental / family / marital status, or any other protected class recognized by federal and/or Massachusetts and/or Rhode Island law in the delivery of its education programs and activities. Pursuant to Title IX, this specific policy is limited in scope to instances of alleged discrimination on the basis of sex, which includes discrimination on the basis of gender identity, sex stereotypes, sex characteristics, pregnancy or related conditions, or sexual orientation. Excel Academy expressly prohibits sex discrimination in the delivery of any part of its education program and activities. Alleged discrimination on bases other than sex fall under Excel’s Civil Rights policy, which can be found in the Student and Family handbook. If any member of the Excel Academy community has any questions or concerns with respect to this Policy and/or Title IX and/or they would like to report a Title IX violation or a suspected Title IX violation, they may contact Excel Academy’s Title IX Coordinator and/or the United States Department of Education's Office for Civil Rights. Excel Academy’s Title IX Coordinator is identified within this Policy and shall be available to answer all questions concerning this Policy.

Excel Academy’s policy of non-discrimination in its educational programs and activities



extends to employment and admission considerations.

C. Definitions

At School: In a classroom, all school common areas, on or immediately adjacent to school premises, on school property, on a school bus or other school-related vehicle, at a school bus stop, or at any school-sponsored or school-related activity or event whether or not it is on school grounds.

Authorized Volunteer: Any person who 1) is not employed by Excel Academy, 2) does not receive any compensation from Excel Academy, 3) has undergone Excel Academy -required criminal background checks, and 4) is permitted to provide services approved by Excel Academy to the community, including students, employees, and other partners.

Away from School: Any location not defined above as “At School” and outside of the substantial control of Excel Academy (e.g. school busses, sports games, field trips or other off-campus Excel events)

Bystander: Someone who is aware of behavior or conduct “At School” in violation of or reasonably believed to be in violation of this Policy, including Sexual Violence and/or Sexual Harassment

Complainant: A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; **or**

a person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX and who was participating or attempting to participate in Excel Academy’s education program or activity at the time of the alleged sex discrimination.

For students under the age of majority, parents and legal guardians have the legal right to act on behalf of the student Complainant in Title IX matters.

Formal Complaint: A document filed by a Complainant or signed by the Title IX Coordinator alleging discrimination on the basis of sex and/or Sexual Harassment against a Respondent and requesting that Excel Academy investigate the allegation of discrimination on the basis of sex and/or Sexual Harassment. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of Excel Academy with which the Formal Complaint is filed. A Formal Complaint may be a oral or written request to the Title IX



Coordinator that objectively can be understood as a request for the recipient to investigate and make a determination about alleged discrimination.

Relevant (for the purposes of the grievance procedure, investigation, and decision making) means related to the allegations of sex discrimination under investigation as part of the grievance. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

Respondent: A person who has been alleged to have violated Excel Academy's policy prohibiting discrimination on the basis of sex and/or Sexual Harassment. A Respondent can be another student, a teacher, an administrator, any other Excel Academy employee, or a third party. Respondents will be presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Sexual Assault: Includes sexual misconduct that is attempted or perpetrated against a victim's will or when a victim cannot consent because of age, intellectual disability, or any other disability precluding the victim from forming consent.

Sexual assault may involve, but is not limited to, actual or threatened physical force, use of weapons, coercion, intimidation or pressure, intentional touching of someone in ways that are unwanted, voyeurism, exhibitionism, exposure to pornography, and/or public displays of images that were taken in a private context or when the victim was unaware.

Sexual Harassment: Includes, but is not limited to, degrading remarks, gestures, jokes, notes, graffiti, spreading rumors, indecent exposure, unwelcome touching, grabbing, pinching, or brushing against another in a sexual way. Unwelcome conduct on the basis of sex that satisfies one or more of the following:

An employee conditioning the provision of an aid, benefit, or service of Excel Academy on the Complainant's participation in unwelcome sexual conduct;

unwelcome sexual conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and so



severe or pervasive that it limits or denies a person's ability to participate in or benefit from the Excel Academy's education program or activity (*i.e.*, creates a hostile environment); or

Sexual Assault, dating violence, domestic violence, or stalking.

This policy is not intended to limit Excel Academy's authority to address conduct that does not fit the definition of sexual harassment, but that violates other Excel Academy policies or the student code of conduct. For example, conduct that constitutes harassment based on a protected category other than sex, or unlawful discrimination, hazing, or bullying, or any other violation of the student code of conduct or Excel Academy workplace rules, will be investigated and addressed under applicable Excel Academy policy and law.

Sexual Harassment of a Student by a Excel Academy Employee

Sexual harassment of a student by an Excel Academy employee includes, but is not limited to, both welcome and unwelcome sexual advances; requests for sexual favors; sexually-motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

An Excel Academy employee causes the student to believe that the student must submit to the conduct in order to participate in a Excel Academy program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct, or;

The conduct is of the type that, based on the totality of the circumstances, is subjectively and objectively offensive and so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the Excel Academy's education program or activity (*i.e.*, creates a hostile environment); or; creates an intimidating, threatening, hostile, or abusive educational environment.

Sexual Harassment of a Student (Including Harassment by Another Student)

Includes, but is not limited to, unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is of the type that that, based on the totality of the circumstances, is subjectively and objectively offensive and so severe or pervasive that it limits or denies a person's ability to



participate in or benefit from the Excel Academy's education program or activity (*i.e.*, creates a hostile environment); or Sexual Assault, dating violence, domestic violence, or stalking.

Sexual Harassment of an Excel Academy Employee or Authorized Volunteer

Excel Academy adopts the definitions and conditions set forth in Excel Academy's employee sexual harassment policy as defined under governing MA and RI law.

Sexual Violence:

Includes, but is not limited to, isolated/individual instances of sexual misconduct and/or aggression, Sexual Harassment, Sexual Assault, and/or rape. In cases of Sexual Violence, the perpetrator may be a stranger, acquaintance, friend, family member, or partner.

Sexual Violence Perpetrated Against a Student

Sexual violence perpetrated against an Excel Academy student, regardless of the perpetrator, includes, but is not limited to, both welcome and unwelcome sexual advances; requests for sexual favors; sexually-motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

The student is caused to reasonably believe that they must submit to the conduct in order to participate in an Excel Academy program or activity, or that a perpetrator will make an educational and/or Excel Academy-related decision based on whether or not the student submits to the conduct.

Conduct constituting "Sexual Violence" need not be repetitive, persistent, or pervasive such that it affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or creates an intimidating, threatening, hostile, or abusive educational environment.

Sexual Violence Perpetrated Against an Excel Academy Employee or Authorized Volunteer

Excel Academy adopts the definitions and conditions as defined under governing MA and RI law.



Supportive Measures Individualized services reasonably available to the Complainant and/or Respondent that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter Sexual Harassment.

Supportive Measures are intended to 1) restore or preserve the Complainant's access to Excel Academy's education program or activity through measures that are designed to protect the safety of the Complainant, Respondent, and/or Excel Academy's educational environment; and/or 2) provide support to the Complainant and/or Respondent during the Title IX grievance and informal resolution processes

Witness: Someone whose awareness of Sexual Violence, Sexual Harassment, or other violations of the Title IX Policy compels them to intervene and/or seek help on behalf of the victim.

D. Title IX Coordinator

The Title IX Coordinator's responsibilities shall include, but are not limited to:

- Coordinating Excel Academy's compliance with Title IX, including Excel Academy's grievance procedures for resolving Title IX Complaints;
- Drafting and publicizing procedures for reporting possible Title IX violations;
- Overseeing Excel Academy's prevention of and response to Title IX reports and complaints;
- Ensuring fair, equitable, and prompt resolution of complaints, either directly or by supervising via named designees;
- Ensuring that the Complainant and/or Respondent are offered supportive measures with or without the filing of a Formal Complaint, considering the Complainant's and/or Respondent's wishes with respect to supportive measures, and explaining to the Complainant and the Respondent the process for filing and responding to a Formal Complaint;
- Identifying and addressing any patterns or systemic problems revealed by such reports and complaints, in conjunction with deputy Title IX coordinator(s) and with school leader(s);
- Providing confidential (to the extent possible) written reports to the Head of School



and the Board of Trustees as requested. If the Head of School and/or the Board of Trustees serves as a Title IX Decision-Maker or Appellate Decision-Maker, such reports shall exclude information on pending and ongoing matters. Reports shall be kept in a separate and secure Title IX file;

- Ensuring that training is provided to Excel Academy's employees, Authorized Volunteers, and other members of the Excel Academy community with respect to Title IX and Excel Academy's implementation of this Policy.
- Receiving and addressing inquiries about Excel Academy's Title IX Policy and related procedures

The Title IX Coordinator shall understand and have knowledge of the Title IX requirements and Excel Academy's own policies and procedures on sex discrimination, anti-bullying, anti-retaliation, school place violence, and Sexual Harassment. Excel Academy shall require that the Title IX Coordinator, as well as Investigators and adjudicators, be free of any conflict of interest or bias for or against Complainants or Respondents, generally, or an individual Complainant or Respondent. Any training materials for Title IX Coordinators, Investigators, adjudicators, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of Formal Complaints of Sexual Harassment.

Each and every report or complaint filed with Excel Academy pursuant to Title IX or reasonably related to Title IX must be provided to the Title IX Coordinator to achieve their mission.

Effective upon adoption of this Policy by the Board of Trustees, the Title IX Coordinator shall be:

Andrew Solomon
Chief Financial Officer
asolomon@excelacademy.org
410 Bremen Street
East Boston, MA 02128
617.326.3574

E. Sexual Violence and Sexual Harassment

Sexual Harassment and Sexual Violence, including but not limited to Sexual Assault, are prohibited and will not be tolerated. Excel Academy expressly prohibits Sexual Harassment and Sexual Violence At School of or by a student to another student; a student of or by a



member of the staff; and/or of or by any other person who is any way associated with Excel Academy. This Policy also prohibits Sexual Harassment and/or Sexual Violence At School by and among Excel Academy employees and Authorized Volunteers. To this end, Excel Academy commits its staff to the implementation of a comprehensive and preventive approach that addresses the underlying reasons for this behavior and helps to create a better school community that supports learning and teaching for students and adults.

F. Grievance Procedure

To facilitate the prompt and equitable resolution of any and all Title IX complaints, Excel Academy adopts the following grievance process. Throughout this process, Excel Academy shall treat Complainants and Respondents equally. For the purpose of Title IX complaints and investigations, Excel Academy will apply a preponderance of the evidence standard of review. Complainants may choose to submit a written grievance to Excel Academy's Title IX Coordinator using the Title IX grievance form included as Appendix A of this Policy. Excel Academy shall respond to all Title IX complaints promptly and effectively and in a manner that is not deliberately indifferent, that is, in a way that is not clearly unreasonable in light of the known circumstances.

- A formal grievance process is initiated when:
 - A Complainant submits a written statement alleging discrimination prohibited by Title IX to the Title IX Coordinator or Deputy Coordinator(s); or
 - When the Title IX Coordinator or Deputy Coordinator(s) receives a report of a suspected Title IX violation from another Excel Academy student, employee, volunteer, or other community member.
- Upon the Title IX Coordinator's receipt of a grievance or other complaint pursuant to this policy, or the Title IX Coordinator's initiation of the grievance process, a Title IX Investigator, shall commence and conduct an investigation pursuant to the procedures set forth within this Policy. The Title IX Coordinator may serve as an Investigator or may designate another trained Title IX Investigator from within or outside of Excel Academy to conduct investigations.
- Excel Academy shall objectively evaluate is relevant, and not otherwise impermissible, including both inculpatory and exculpatory evidence. Further credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.
- The Title IX Coordinator will provide written notice of the investigation to all parties. The notice will include, among other things, a copy of this policy and a sufficiently detailed description of the allegations. The notice will specify the



identities of the parties involved or inform the parties of the availability of the identifies of the other parties, the conduct allegedly in violation of Title IX, and the date and location of the incident(s), if known.

- Following an investigation (described in further detail under Section H below), a Decision Maker, who is neither the Title IX Coordinator nor Investigator, shall determine whether the Complainant was excluded from participation in, denied the benefits of, or subjected to discrimination on the basis of sex with respect to any Excel Academy program or activity.

Hearings are not required under Title IX for complaints involving elementary and secondary school students, and there is no right to a hearing under Excel Academy's standard grievance procedure. If a party requests a hearing, the Title IX Coordinator will determine, in their sole discretion, whether to grant the request. The Title IX Coordinator's decision in this regard is not subject to appeal.

- After reviewing the Investigator's report and any submissions of the parties, and following a hearing, if such hearing is requested and granted, the Decision Maker shall prepare a written report setting forth their findings, conclusions, and actions to be taken, if any, and will determine with whom to share the report.
- The Title IX Coordinator shall, as necessary, take appropriate action(s) to ensure that Excel Academy implements any remedies called for in the decision and otherwise complies with Title IX in a manner that is prompt, effective, and equitable to the parties.
- If any of the parties wish to appeal the decision(s) of the Decision Maker, that party must make a written appeal to the Board of Trustees within ten (10) business days. Appeals will only be allowed for the following reasons:
 - Procedural irregularity that affected the outcome of the matter; or
 - New evidence that was not reasonably available at the time the determination regarding responsibility was made, that could affect the outcome of the matter; or
 - The Title IX Coordinator, Investigator, hearing officer, or Decision-Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual complaint or Respondent that affected the outcome of the matter.
- If/when an appeal is allowed, parties will be notified in writing and will have the



opportunity to submit a written statement in support of or challenging the decisions of the Decision Maker. Appeals will be decided by the Board of Trustees.

- The Board of Trustees shall issue a written report within ten (10) business days of the deadline for the submission of written statements by the parties. The Board of Trustees written report shall include a notice to the parties of their further appellate rights.

To the extent possible, Excel Academy strives to complete all Title IX investigations, from date of report to final hearing and notice of outcome, within 90 days.

G. Reporting Responsibilities

The Title IX Coordinator shall establish—and prominently publicize to students, employees, volunteers, and parents—procedures concerning how to report conduct believed to violate this Policy and how such reports will be acted on. Anyone who experiences and/or witnesses conduct that is or is reasonably believed to be in violation of this Policy, and/or anyone who has information that such actions have occurred may file a report.

All Excel Academy employees, other than Excel Academy counselors, social workers, counseling interns, and psychologists who are required to maintain the confidentiality of the information shared with them by federal or state law (collectively known as “Confidential Employees¹”), shall report incidents and/or conduct that they reasonably believe to violate this Policy to the Title IX Coordinator as soon as they learn of or have actual knowledge of any conduct allegedly in violation of this Policy. Employees (other than Confidential Employees) shall report all relevant details that the Complainant shared or that the employee observed, including, but not limited to, the names of the Respondent and Complainant (or a victim who does not wish to file a Complaint), the names of witnesses, the date, time, and location of the alleged conduct, and the circumstances surrounding the alleged conduct. **An Excel Academy employee’s failure to report a violation of this Policy of which he or she has actual knowledge shall result in disciplinary action, up to or including termination of employment.**

Students who witness alleged violations of this Policy, or parents/guardians whose children inform them of alleged violations of this Policy, shall report incidents to the Title IX Coordinator. Whether victims of alleged Title IX violations choose to file a Complaint or not, they shall not be disciplined for failing to report an alleged violation of this Policy themselves. All reports from students or parents/guardians will be maintained in confidence

¹ Confidential Employees will explain to individuals who report possible violations of this Policy that the Confidential Employee cannot disclose the shared information or documentation. However, the Confidential Employee will provide the individual with the contact information of the Title IX Coordinator and an overview of the Title IX Coordinator’s function, including but not limited to the provision of interim supportive measures.



to every extent possible.

Although Excel Academy cannot discipline or sanction parents or guardians who elect not to report violations of this Policy, particularly Sexual Violence and/or Sexual Harassment, when they learn of any such conduct, Excel Academy **strongly encourages** parents or guardians to contact the Title IX Coordinator or Deputy Title IX Coordinator for their child's school as soon as practicable with any and all relevant information that they receive.

All reports will remain confidential, to every extent possible. Excel Academy may, however, have a legal obligation to share information received during an investigation. For example, Excel Academy is required to report known and suspected cases of child abuse to the Department of Children and Families. Excel Academy may also have an obligation to report known or suspected violations of the law to law enforcement.

No individual who exercises their Title IX rights shall be subject to retaliation. Neither the Excel Academy nor any person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing. Charges against an individual for code of conduct violations that do not involve sex discrimination or Sexual Harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation. Excel Academy shall keep confidential the identity of Complainants, Respondents, and witnesses, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), or as required by law, or as necessary to carry out a Title IX proceeding. Complaints alleging retaliation may be filed according to the Grievance Procedures in this Policy. By filing a Title IX complaint, no student, employee, volunteer or parent making such a report shall extinguish his or her right to file criminal or civil complaints concerning the same conduct.

Reports must be acted upon by those persons receiving the report and the Title IX Coordinator (upon receipt of a report), whether made orally or in writing. Knowingly filing false reports shall result in the taking of disciplinary measures.

Upon receiving a credible report of an alleged violation of this Policy, Excel Academy will take all necessary measures to ensure the safety all parties (e.g., separate the Complainant/student-victim from the Respondents; provide alternative schedules to one or both parties; provide necessary support services to the Complainant/student-victim, etc.) and will provide the Complainant/student-victim and the Respondents and their respective parent(s) or guardian(s) with regular updates as to the status of the investigation.



Excel Academy shall implement appropriate interim supportive measures on a case-by-case basis and shall not rely upon any fixed rules related to any such measures. Supportive measures shall be designed to restore or preserve equal access to Excel Academy's education program or activity, protect student and employee safety, and deter sexual harassment. Examples of supportive measures include, but are not limited to, counseling, extensions of time or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, and other similar measures.

Excel Academy will provide Complainants with the contact information for available resources outside of Excel Academy, including but not limited to, victim assistance organizations, law enforcement, mental health services, legal assistance, and or counseling services. If the Respondent is an Excel Academy employee and the Complainant is an Excel Academy student, Excel Academy will report the alleged misconduct to the appropriate law enforcement agencies.

H. Investigation

The Title IX Coordinator shall oversee all Title IX investigations at Excel Academy. Depending on the nature of the alleged violation of this Policy, an investigation may include, but is not limited to conducting interviews with the Complainant and the Respondent; conducting interviews with witnesses; conducting interviews with the parent(s) or guardian(s) as necessary; reviewing law enforcement investigation documents, as applicable; reviewing student and personnel files; and gathering information from all other available outside sources.

All investigations shall commence once the Title IX Coordinator receives notice of the alleged violation of this Policy. Therefore, it is essential that Excel Academy employees, students, parents, guardians, and/or Authorized Volunteers immediately report suspected misconduct as soon as practicable once they have actual knowledge about such misconduct.

When commencing an investigation that may lead to disciplinary action against the Respondent, the Title IX Coordinator shall provide written notice to the Respondent (and/or their parents/guardians) of the allegations constituting a potential violation of this Policy, including sufficient details with sufficient time to prepare a response before any initial interview. The written notice shall also include a description of the Formal Complaint process; a statement that the Respondent is presumed innocent until a determination of responsibility has been made; a notice of the Respondent's right to review evidence and right to an advisor; and the prohibition against false statements or providing false information during Formal Complaint process.

All investigations shall be conducted impartially and in an adequate, reliable, and impartial



manner. The designated Title IX Investigator shall analyze and document the available evidence to support reliable decisions, interview and objectively evaluate the credibility of parties and witnesses, synthesize all available evidence—including both inculpatory and exculpatory evidence—and take into account the unique and complex circumstances of each case. The investigation shall result in a written report summarizing the relevant exculpatory and inculpatory evidence.

For all investigations, the following types of evidence will be excluded from consideration and will not affect the outcome of the investigation:

- Evidence that is protected under a privilege as recognized by federal or state law or evidence provided to a Confidential Employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless Excel Academy obtains that party's or witness's voluntary, written consent for use in the recipient's grievance procedures; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Throughout the investigation, the Respondent and the Complainant shall be permitted to, at a minimum:

- Receive written notice in advance of any interview or hearing with sufficient time to prepare for meaningful participation;
- Have equal and timely access to all witness statements and other documents/reports gathered by Excel Academy during the investigation.
- Present relevant witnesses and evidence, including expert witnesses;
- Retain counsel, at the parties own expense;



- If a hearing is granted, parties may cross-examine witnesses as necessary.

Information gathered during the investigation shall be kept confidential to the extent possible. However, all parties to the investigation shall have the ability to obtain and present evidence and otherwise participate in the grievance procedures. All evidence directly related to the allegations will be provided to the parties, or the parent(s) or guardian(s) of the parties and their advisors, as applicable, for inspection and review, and the parties will have ten (10) days to provide a written response to the Investigator. The Investigator will consider any such responses prior to issuing the final Investigation Report.

After Excel Academy has sent the investigative report to the parties and before reaching a determination regarding responsibility, the Decision Maker(s) must afford all parties ten (10) days to submit any written, relevant questions that they may wish to have asked of any party or witness. The Decision Maker shall review the parties' written questions, and if he/she deems a question to be irrelevant, that question shall not be transmitted to the intended party, and the Decision Maker will apprise the questioning party in writing of the reason(s) the question was deemed to be irrelevant. If relevant questions are submitted, the Decision Make will convey those to the party/ies, provide each questioning party with each responding party's answers, and may allow for additional, limited follow-up questions from each party.

Excel Academy shall make all determinations using a "preponderance of the evidence" standard. If allegations are found to be credible, appropriate disciplinary sanctions, subject to Excel Academy's due process procedures, shall be imposed. Excel Academy shall specifically inform the reporting party (and/or their parents/guardians) whether it found that the alleged conduct occurred, any individual remedies offered to the reporting party or any sanctions imposed on the responding party that directly relate to the reporting party, and other steps the school has taken to eliminate the hostile environment, if one was found to exist, and to prevent its recurrence, as appropriate.

Whenever conduct determined to meet the definitions of Sexual Violence and/or Sexual Harassment in this Policy also may have involved conduct that that may violate state or federal criminal law, the police or other necessary agency(ies) shall be notified.

I. Option for Informal Resolution

Where appropriate in light of the nature of the allegations and facts involved, Excel Academy may offer the parties the option to pursue an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. All parties must voluntarily agree to pursue informal resolution after receiving a full written disclosure of the



allegations and their options for formal resolution. Excel Academy will not offer an informal resolution process to resolve allegations that an employee sexually harassed a student.

J. Dismissal of Formal Complaint

Excel Academy will dismiss a Formal Complaint if the conduct alleged in the formal complaint: (i) would not constitute sexual harassment even if proved (prior to dismissing the Formal Complaint for this reason, Excel Academy will make reasonable efforts to clarify the allegations with the Complainant); (ii) did not occur on school grounds at a school-sponsored activity, or within the control of Excel; or (iii) took place outside of the United States. Further, Excel Academy may dismiss a Formal Complaint if

- Excel Academy is unable to identify the Respondent after taking reasonable steps to do so;
- the Respondent is not participating in Excel Academy's education program or activity and is not employed by Excel Academy;
- the Complainant voluntarily withdraws any or all of the allegations in the Formal Complaint, the Title IX Coordinator declines to initiate a Formal Complaint under and Excel Academy determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Formal Complaint, if any, would not constitute sex discrimination under Title IX or this part even if proven; or

If Excel Academy dismisses a Formal Complaint, all parties will be notified and provided with the basis for the dismissal. A party may appeal Excel Academy's decision to dismiss a Formal Complaint by following the Appeals Process set forth below. The Formal Complaint may also be referred for investigation and possible disciplinary action pursuant to other applicable Excel Academy policies.

Even if Excel Academy dismisses a Formal Complaint, Excel Academy will offer supportive measures to the parties (if appropriate) and will review the circumstances giving rise to a Formal Complaint to determine whether any program-wide actions should be taken to address sex discrimination.

K. Disciplinary Sanctions

Students: Disciplinary sanctions for any violation of this Policy may include, but are not limited to, loss of privilege to participate in extracurricular activities including athletics and school social events; loss of school bus transportation; assignment of additional schoolwork or community service; and—depending on the extent of involvement in the prohibited activity—disciplinary action,



suspension or removal from school.

Employees: Disciplinary sanctions for any violation of this Policy may include, but are not limited to, suspension, termination, or filing of criminal charges as warranted.

Volunteers/ Parents: Disciplinary sanctions for any violation of this Policy may include, but are not limited to, denial of access to school premises, school-related events, or school-sponsored events; suspension or termination of volunteer activities; or filing of criminal charges as warranted.

L. Prevention

The Title IX Coordinator shall ensure that students and staff are instructed on how to identify, prevent, and report violations of this Policy. The Title IX Coordinator, in conjunction with the Chief Schools Officer and the Board of Trustees, shall also ensure that Excel Academy's health program and counseling services include the appropriate social skills training to help students avoid isolation and help them interact in a healthy manner. School staff shall model correct and courteous behavior to each other, to students, parents and to visitors. Abusive or humiliating language or demeanor shall not be accepted.

M. Enforcement Agencies

Nothing in this Policy is intended to prohibit or discourage individuals from contacting the applicable state and/or federal enforcement agencies with complaints or concerns, including but not limited to:

Office for Civil Rights
Boston Office U.S. Department of Education
5 Post Office Square
9th Floor Boston, MA 02109-3921
Tel: 617-289-0111 E-mail: OCR.Boston@ed.gov

Equal Opportunity Employment Commission (EEOC)
John F. Kennedy Federal Building
15 New Sudbury Street, Room 475
Boston, MA 02203-0506
United States
Tel: 800-669-4000 TTY: 800-669-6820

N. Record Keeping

In accordance with Title IX and related regulations, as amended from time to time, Excel



Academy shall retain the following records for at least seven (7) years:

- For each Formal Complaint, documents concerning the informal resolution process and/or grievance procedures applied to each Formal Complaint, and, where applicable, the outcome of the investigation;
- For each notification that the Title IX Coordinator receives concerning conduct that reasonably may constitute a violation of Title IX, documents reflecting the actions that Excel Academy took to respond to those notifications;
- All materials used to provide Title IX training



APPENDIX A

**Excel Academy
Title IX Grievance Form**

Today's Date _____

Complainant's Name(s) _____
Last Name First Name Middle Initial

Home address _____

City _____ State _____ Zip Code _____

Telephone Number _____ Email Address _____

Parent(s)/Guardian(s) _____
Last Name First Name Middle Initial

Parent(s)/Guardian(s) Contact information _____
Home Address

_____ Phone Number Email Address

Circle One: Student Parent on Behalf of Student Employee Volunteer

1. Alleged Perpetrator(s) (if more than one perpetrator include information below on back).

Name: _____

Address (if known): _____

Contact Information: _____

2. Specifics of Complaint. Describe below, including any dates of alleged discrimination, identities of alleged perpetrators, and specific circumstances of alleged discrimination. Attach extra pages if necessary.

3. Witnesses. Include names, any known contact information, and brief description of each witnesses' knowledge of events. Attach extra pages if necessary.



4. Corrective Action. If you wish, please describe any corrective action you would like to see taken with regard to the alleged misconduct. Attach an extra page if necessary.

Signature of Complaint or
Parent/Guardian on Behalf of Complainant